

### REMARKS

Restriction to one of the following groups was required under 35 U.S.C. 121 and 372:

- I. Claims 15-23, directed to a probe array;
- II. Claims 1-14, directed to a method for producing a probe array;
- III. Claim 24 drawn to a first apparatus for making a probe array;
- IV. Claim 25 drawn to a second apparatus for making a probe array;
- V. Claim 26 drawn to a third apparatus for making a probe array;
- VI. Claim 27 drawn to a fourth apparatus for making a probe array; and
- VII. Claim 28 drawn to a fifth apparatus for making a probe array.

In response to the restriction requirement, Applicant elects Group I, that is, Claims 15-23. Claim 1 has been amended to recite the methods of making probe arrays according to Claim 15. As such, Applicants request rejoinder of Claims 1-14 upon allowance of Claim 15 under the rules established by the P.T.O. in response to *In re Brouwer* and *In re Ochiai*. M.P.E.P. §821.04 upon allowance of the elected claims. In addition, Applicant reserves full rights to pursue the subject matter of Claims 1-14 as originally filed and Claims 24-28 in related applications.

#### Election of Species

Additionally, election of species was required if Group I is elected: a). "probe" species: polynucleotides OR peptide-proteins; and b). "array" species: capillary, groove and optical cell.

The Applicant elects polynucleotide probe species and capillary array species with the understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. Currently, all claims in the elected group are generic.

In addition, the Specification has been amended to include claim to priority. Because the International Application PCT/US00/09685 to which this application claims priority was filed before November 29, 2000, no petition is required.

Appl. No. : 09/937,105  
Filed : February 6, 2002

### CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

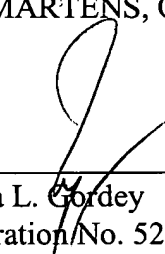
No fees are believed due. However, please charge any required fees, including any fees for extension of time, to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 28, 2009

By: \_\_\_\_\_

  
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